IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37750 of 2007(R)

PETITIONER:

ANTOCHEN JOHN,
VARUKUKALAYIL HOUSE, KONDOOR VILLAGE,
MEENACHIL TALUK, KALAKETTY P.O., KOTTAYAM DIST.,
PIN-686508.

BY ADV. SRI.JAWAHAR JOSE

RESPONDENTS:

1. THE KOTTAYAM DISTRICT CO-OPERATIVE
BANK LTD., REPRESENTED BY THE BRANCH MANAGER OF
THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD.,
KANJIRAPALLY BRANCH, KANJIRAPALLY P.O.,
KOTTAYAM-686507.

2. THE SPECIAL OFFICER,
SECURITISATION ENFORCEMENT, THE KOTTAYAM DISTRICT
CO-OPERATIVE BANK LTD., KOTTAYAM-686001.

3. DAI JOHN, S/O. JOHN,
AGED 31, RESIDING AT J.VEE FOODS HOUSE,
PLASSANAL P.O., THALAPPALAM, ERATTUPETTA ROAD,
KOTTAYAM-686579.

BY ADV. SRI.SUNIL CYRIAC,SC,DIST.CO-OP,BANK,KTM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C) No. 37750 of 2007-R

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Dated this the 19th day of December, 2007

J U D G M E N T

The writ petitioner in this petition is the brother of the writ petitioner who filed W.P.(C) No.33476/2007, which was disposed of by me on 13/11/2007. A copy of that judgment will stand appended to this judgment.

2. According to the petitioner, he is guarantor and has offered his property as security for that transaction. He states that he was unaware of the terms of the appended judgment, however, stating that he will wipe off the entire outstanding by the end of March, 2008, which is the indulgence shown as per the appended judgment also. He further requests that the first instalment, that is due on 20th December, 2007, in so far as the petitioner's property is concerned, in terms of the appended judgment, may be deferred, since he came to know about the appended judgment only recently.

For the aforesaid reasons, this writ petition is disposed of directing that, if the petitioner complies with all the directions regarding deposit, as issued in the judgment appended, subject to the modification that the first instalment shall be paid on or before the last working day of December, 2007, instead of 20th December, 2007, the action against the properties of the petitioner shall stand deferred in terms of the appended judgment. It is also clarified that the indulgence shown as per this judgment is to be treated as the last opportunity.

THOTTATHIL B. RADHAKRISHNAN,
Judge

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